

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

TRAVIS BELLEW,	)	
	)	
Plaintiff,	)	2:19-CV-00191-DCLC
	)	
vs.	)	
	)	
SULLIVAN COUNTY, TENNESSEE et al.;	)	
	)	
Defendants	)	

**ORDER**

This matter is before the Court to consider two Reports and Recommendations of the United States Magistrate Judge [Doc. 31, Doc. 32]. No objections to either Report and Recommendation were filed in the time allowed.

In the first Report and Recommendation [Doc. 31], the Magistrate Judge recommends that the Motion to Strike [Doc. 14] filed by Defendants Sullivan County, Tennessee; Sullivan County Sheriff Jeff Cassidy; and Captain Lee Carswell (“Defendants”) be denied. In their motion, Defendants ask the Court to strike from the Complaint [Doc. 1] certain out-of-court statements pursuant to Fed. R. Civ. P. 12(f) [Doc. 14, pg. 1]. Defendants argue these statements were introduced into the record without proper evidentiary foundation and are highly prejudicial to Defendants [*Id.* at pg. 2]. Defendants listed thirty statements they wish to have stricken from the Complaint [*see id.* at pg. 5-8]. Plaintiff responds that materiality, not admissibility, is the question under Rule 12(f) [Doc. 20, pg. 4]. The Magistrate Judge agreed, reasoning that Defendants’ admissibility arguments are premature, and the Complaint is not evidence but merely an outline of

Plaintiff's claim [Doc. 31, pg. 3]. Moreover, the Magistrate Judge found Defendants failed to explain how the statements are unfairly prejudicial [*Id.*].

In the second Report and Recommendation [Doc. 32], the Magistrate Judge recommends the Motion to Strike [Doc. 21] filed by Defendant Christopher Sabo ("Sabo") be denied. In his motion, Sabo requests the Court to strike the final sentence of Paragraph 1 and the entirety of Paragraphs 37 and 38 of the Complaint as well as Exhibits 1, 2, and 3 pursuant to Fed. R. Civ. P. 12(f) [Doc. 21, pg. 1]. Exhibits 1, 2, and 3 are copies of criminal court records relating to criminal charges brought against Sabo, and Paragraphs 1, 37, and 38 of the Complaint summarize the contents of those records [Doc. 22, pg. 2]. Sabo argues this material is prejudicial to him, particularly because at the time his motion was filed, he was working toward completing a judicial diversion program by January 2020, which was supposed to result in an order of expungement [*Id.* at pg. 2-3]. He argues that "[b]y attaching the criminal court pleadings and other documents to the Complaint, which is public record, and referencing the criminal proceedings in Paragraphs 1, 37, and 38, Plaintiff has unilaterally nullified the expungement" [*Id.* at pg. 3]. Sabo further explains that Exhibits 1 and 2 published his date of birth and social security number [*Id.* at pg. 4].

Plaintiff responds that the information regarding Sabo's criminal charge is relevant to Plaintiff's claims, and Sabo has not yet completed his diversion, nor has his criminal case been dismissed [Doc. 25, pg. 2]. The Magistrate Judge agreed and found that granting Sabo's Motion to Strike would thus be improper. The Court notes that as of the date of this order, nothing in the record indicates there has been an order of expungement related to Sabo's criminal charge. Moreover, the Magistrate Judge explained that after Sabo's Motion to Strike was filed, Plaintiff

filed a Motion to Substitute Exhibits [Doc. 26], which was granted, and thereafter substitute exhibits were filed under seal to protect Sabo's personal information [Doc. 27].

After careful consideration of the record as a whole and the Reports and Recommendations of the United States Magistrate Judge, and for the reasons set out in those Reports and Recommendations which are incorporated by reference herein, it is hereby **ORDERED** that both Reports and Recommendations [Doc. 31, Doc. 32] are **ADOPTED**, and the Motions to Strike [Doc. 14, Doc. 21] are **DENIED**.

SO ORDERED:

s/Clifton L. Corker  
United States District Judge